D.B. CIVIL SPECIAL APPEAL(W)NO.66/2007

Bhanwar Singh
Vs.
Rent Appellate Tribunal, Pali & Ors.

Date of Order :: 14-03-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri M.S. Panwar, for the appellant.

When the case was taken up, counsel prayed for adjournment. From the record it appears that the case was adjourned on two occasions – 9.2.2007 and 1.3.2007 - on request of the counsel. In that view of the matter, we looked into prima facie merit of the case. Shri M.S. Panwar, counsel for the appellant also participated in the hearing.

This special appeal arises from a proceeding under Sections 6 and 9 of the Rent Control Act initiated by the respondent for decree of eviction and arrears of rent against the appellant. The appellant submitted reply and contested the respondents' claim on 5.5.2005. On consideration of the pleadings and materials on record, the Tribunal granted decree of eviction and arrears of rent in favour of the respondent. The appellant challenged the decision before the Rent Appellate Tribunal which was dismissed on 4.1.2006. He then filed writ petition which was dismissed by

the learned Single Judge by the impugned order. The learned Single Judge while dismissing the writ petition allowed one year's time to the appellant to vacate the premises on his filing undertaking in the terms mentioned in the order. He however failed to file the undertaking.

It is relevant to mention that one year's time was allowed to the appellant to vacate, on request of the appellant's counsel. In view of the fact that the appellant was allowed year's time for vacating the premises on own request, we do not think, he can challenge the order in appeal. If he did not submit the undertaking without the time allowed he has to thank himself. The appeal is concluded by concurrent findings of the Rent Tribunal and the Rent Appellate Tribunal.

We find no merit in this appeal which is accordingly dismissed.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen